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REMARKS

In response to the Office Action mailed on February 9, 2005, Applicants respectfully request reconsideration. Claims 19-20 and 39-40 have been cancelled. Claims 1-18, 21-38 and 41-42 are now pending in this Application. Claims 1, 12, 21, 32, 41 and 42 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 1, 2, 10, 12, 21, 22, 30, 32, 41 and 42 have been amended. A version of the claims containing markings to show the changes made is included hereinabove. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claims 1-6, 8-11, 12-16, and 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,496,867 to Besser et al. (hereinafter Besser) in view of U.S. Patent No. 6,292,839 to Naudus et al. (hereinafter Naudus). The Examiner also listed claims 21-42 in the explanation of the rejection of claims 1-6, 8-11, 12-16 and 18-20.

Besser discloses a method for initiating a tunnel association in a data network which includes negotiating private addresses for the ends of the tunneling association. Naudus discloses a method and system for reflexive tunneling using hidden virtual tunnels.

Regarding claim 1, the Examiner stated that Besser discloses the steps of detecting an initial request, identifying the request as a candidate to be a tunneling request and forwarding the tunneling request towards an end tunneling device, and further that Naudus discloses modifying the initial request to convert the initial request into the tunneling request. Claim 1 has been amended to recite that the step of identifying comprises identifying the initial request as a candidate to be converted to a tunneling request. Thus, the initial request is not a tunneling request but can be converted into a tunneling request if certain criteria are met. Besser discloses receiving a tunneling request (e.g. Figure 4, column 7, lines 62-67 through column 8, lines 1-20), not a request which may be a candidate to be converted into a tunneling request. Obviously, if a tunneling request is received,

there is no need to determine whether the request is a candidate to be converted to a tunneling request, since it is already a tunneling request. Therefore Besser fails to disclose or suggest identifying an initial request as a candidate to be converted into a tunneling request. Naudus also fails to disclose or suggest the step of identifying an initial request as a candidate to be converted to a tunneling request. Accordingly, since neither Besser nor Naudus, taken alone or in combination, disclose or suggest identifying an initial request as a candidate to be converted into a tunneling request, while claim 1 recites such, claim 1 is believed allowable over Besser and Naudus. Claims 21, 41 and 42 has been amended in a similar manner as claim 1, and is also believed allowable for the same reasons claim 1 is believed allowable. Claims 2-11 depend from claim 1, claims 22-31 depend from claim 21 and all are believed allowable as they depend from a base claim which is believed allowable.

Claims 2 and 22 are also believed to be further distinguishable over Besser and Naudus as they have been amended to recite that the step of identifying comprises at least one of detecting that a destination address in the initial request is for a destination device associated with an end tunneling device, identifying any initial request received that has a particular source address as being designated to become a tunneling request, and interpreting information from an initial header in order to identify that the initial request is intended to be a tunneling request. Neither Besser nor Naudus, taken alone or in combination, disclose or suggest the same.

Regarding claim 12, the Examiner stated that Besser discloses the steps of detecting a tunneling request, identifying the request as a candidate to be an initial request and forwarding the initial request towards a destination device, and further that Naudus discloses modifying the tunneling request to convert the tunneling request into the initial request. Claim 12 has been amended to recite that the step of identifying comprises identifying the tunneling request as a candidate to be converted to an initial request. Thus, the tunneling request is not an initial request but can be converted into an initial request if certain criteria are

met. Besser discloses receiving a tunneling request (e.g. Figure 4, column 7, lines 62-67 through column 8, lines 1-20), not a request which may be a candidate to be converted into an initial request.

The Examiner stated that Naudus does not expressly teach converting the tunnel request into the initial request, but that it would be obvious that the tunneling header would have to be modified back to the original address. Applicants respectfully disagree with the Examiner's assertion. Besser fails to disclose the modification of the tunneling header back to an initial header and the Examiner is assuming that this must be done in order for the entire process to perform properly. Applicants respectfully disagree with the Examiner's position, and state that the Examiner is reading something into the reference that is not there. Applicants assert that there may be other ways for the tunneling header to be used to allow the packet to be forwarded to the client, and not necessarily by converting the tunneling header to an initial header.

Accordingly, since neither Besser nor Naudus, taken alone or in combination, disclose or suggest identifying a tunneling request as a candidate to be converted into an initial request, while claim 12 recites such, claim 12 is believed allowable over Besser and Naudus. Claim 32 has been amended in a similar manner as claim 12, and is also believed allowable for the same reasons claim 12 is believed allowable. Claims 13-18 depend from claim 12, claims 33-38 depend from claim 32 and all are believed allowable as they depend from a base claim which is believed allowable.

Claims 7 and 17 were rejected under 35 U.S.C. §103 as being unpatentable over Besser and Naudus and further in view of U.S. Patent No. 6,557,037 to Provino (hereinafter Provino). Claims 7 and 17 depend from claim 1 or 12 and are believed allowable as they depend from a base claim which is believed allowable.

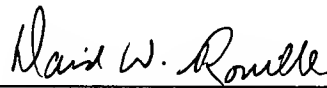
In view of the above, the Examiner's rejections are believed to have been overcome, placing claims 1-18, 21-38, 41 and 42 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

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If the U.S. Patent and Trademark Office deems a fee necessary, this fee may be charged to the account of the undersigned, Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



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Attorney Docket No.: CIS01-17(4404)

Dated: May 6, 2005